THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25677 OF 2005

Dated 2nd December 2005

Between:

J.Durgaiah S/o.Peeraiah

…Petitioner

And

The Deputy Transport Commissioner, Medak,

at Sangareddy, & another.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 25677 OF 2005

O R D E R:

Tractor and Trailer of the petitioner, bearing Registration No.AP-23-T-6603 and AP-23-T-6604, respectively, were seized on 17.11.2005, on the ground that the petitioner failed to produce the necessary documents, in relation to them. The petitioner challenges the seizure.

Heard the learned counsel for the petitioner, and learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 17.11.2005, issued by the second respondent, discloses that the petitioner failed to produce the permit and R.C. of the vehicle, and that it was being driven without licence. Certain other lapses were also pointed out. The liability of the petitioner, in the context of these observations, needs to be established, in the proceedings to be initiated, under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the first

respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Tractor and Trailer of the petitioner, bearing Registration No.AP-23-T-6603 and AP-23-T-6604, respectively, shall be released to the petitioner, on his depositing a sum of Rs.5,000/- (Rupees Five thousand only).

b. The petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle as and when required.

c. The vehicle shall be permitted to be used, only if it is covered by the necessary documents.

There shall be no order as to costs.

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2nd December 2005

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